

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Section 401
Title 14, California Code of Regulations
Re: Issuance of Permits to Take Animals Causing Damage

- I. Date of Initial Statement of Reasons: May 10, 2005
- II. Dates and Locations of Scheduled Hearings:
- (a) Notice Hearing: Date: June 24, 2005
Location: Bishop
- (b) Discussion/Adoption Hearing: Date: August 19, 2005
Location: San Luis Obispo
- III. Description of Regulatory Action:
- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:
- In 2004, the Legislature amended Section 4181 of the Fish and Game Code and added wild turkeys to the list of species for which the Department issues permits to landowners to kill animals that are damaging property (Senate Bill 1153). To provide consistency with the code change, the Department is proposing that Section 401 of Title 14, which provides for the issuance of these permits, be amended to include wild turkeys.
- Additional minor amendments are proposed, which would make this section more clear and more consistent with current code and regulation sections. These minor amendments are as follows:
1. Update the title and number designating the form which is used to apply for depredation permits.
 2. Change the wording in Subsection 401(a) to state that, when depredation permits are applied for in situations where damage has not yet occurred, but damage is threatened, the damage must be immediately threatened. This change would make the regulation more consistent with the authorizing code section, which states that the Department shall issue depredation permits "...upon satisfactory evidence of the damage or destruction, actual or immediately threatened ...".

3. Delete the subsection that requires that bear traps be placed only within pens, and that signs warning of bear traps be posted. This subsection is no longer needed, since the use of metal-jawed traps for bears is now prohibited.
 4. Change the wording in Subsection (d)(3) to require that a permittee kill depredating animals instantly, from wording that states that a permittee shall make "every effort" to kill the animals instantly. It is unclear what "every effort" might entail.
 5. Delete the requirement that squirrels and beavers be tagged when taken under depredation permits. The Department believes that tagging each squirrel and beaver is unnecessary.
 6. Add a requirement that report portions of tags issued in conjunction with depredation permits be mailed to the Department after animals are killed. This is the procedure currently being followed, but mailing of the report tags is not required in existing regulation wording.
 7. Other minor changes are proposed for clarity.
- (b) Authority and Reference Sections from Fish and Game Code for Regulation:
- Authority: Sections 202, 3003.1, and 4181, Fish and Game Code.
- Reference: Sections 3003.1 and 4181, Fish and Game Code.
- (c) Specific Technology or Equipment Required by Regulatory Change:
- None
- (d) Identification of Reports or Documents Supporting Regulation Change:
- Senate Bill 1153 (Signed by the Governor on September 10, 2004) is attached
- (e) Public Discussions of Proposed Regulations Prior to Notice publication:
- No public discussions were held prior to the Notice publication. There will be adequate time to review this proposal during the comment period contained in the Commission's regulatory process.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified.

(b) No Change Alternative:

The No Change Alternative was considered and found to be inadequate because Section 401 of Title 14 would continue to be inconsistent with Section 4181 of the Fish and Game Code.

(c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation change is sufficiently minor that there would be no significant impact to businesses.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None

- (f) Programs mandated on Local Agencies or School Districts:

None

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None

- (h) Effect on Housing Costs:

None

Informative Digest/Policy Statement Overview

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4. Change the wording in Subsection (d)(3) to require that a permittee kill depredating animals in a humane manner, from wording that states that a permittee shall make "every effort" to kill the animals instantly. It is unclear what "every effort" might entail.
5. Delete the requirement that squirrels and beavers be tagged when taken under depredation permits. The Department believes that tagging each squirrel and beaver is unnecessary.
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